

note).

Based on his review of the record, the Magistrate Judge has recommended that Petitioner's Petition [1] **be dismissed without prejudice**, and that Respondents' motion for summary judgment [8] **be denied to the extent it seeks dismissal of this petition with prejudice**. The Magistrate Judge advised Petitioner of her right to file objections to the Report and the serious consequences if she failed to do so. Petitioner has filed no objections and the time for doing so has expired.

After reviewing the Petition, the motion, the response, the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Respondents' motion for summary judgment is **DENIED** to the extent it seeks dismissal of this petition with prejudice, and this action is *dismissed without prejudice*.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 4, 2007

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